**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929**

**CRP.No. 164 of 2007()**

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**OP(ELE)725/2002 of ADDL.DISTRICT COURT, ALAPPUZHA.**

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**REVISION PETITIONER: RESPONDENT:**

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**POWER GRID CORPORATION OF INDIA LTD.,**
**LOCAL OFFICE, HARIPAD, REPRESENTED BY**
**ITS MANAGING DIRECTOR.**

**BY ADV. SRI.MILLU DANDAPANI**

**RESPONDENT: PETITIONER:**

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**SAROJINI AMMA,**
**KOCHUTHARAYIL HOUSE, THAMALLACKAL,**
**KUMARAPURAM.**

**BY**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

*KSS*

**M.N. KRISHNAN, J.**

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**C.R.P. NO. 164 OF 2007**

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**Dated this the 7th day of December, 2007.**

**O R D E R**

This revision petition is preferred against the order of the Addl. District Judge, Alappuzha in O.P.(E.A.)725/02 whereby the Court below awarded an additional compensation of Rs.30,840/-. A perusal of paragraph 6 of the award would show that the Court has relied upon the decision of this Court in ***Kumba Amma v. K.S.E.B. (2000 (1) KLT 542).*** The learned counsel for the revision petitioner has brought to my attention the decision of the Apex Court in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***). The Apex Court had remitted back the matter to this Court for fresh consideration holding that each case requires consideration on the facts and circumstances of that case. The Apex Court has also given the following guidelines;

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the

land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case."

2. In the light of the decision referred to above the matter requires additional documentary as well as oral evidence. Therefore, the order under challenge is set aside and the matter is remitted back to the Court below for fresh consideration after affording equal opportunities to both the parties to produce documentary as well as oral evidence in support of their respective contentions and then dispose of the matter in the light of the principles laid down in the above said decision of the Apex Court. The parties are directed to appear before the Court below on 19.1.2008.

The C.R.P. is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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